

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-162

v.

HON. JANET T. NEFF

PEDRO GALINDO,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Pedro Galindo has filed a motion for modification or reduction of sentence (Dkt 77) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed an Amended Sentence Modification Report (Dkt 94) and Defendant has filed a Response (Dkt 93). The Government has also filed a Response (Dkt 95) indicating that it has no objection to the imposition of an amended sentence of 168 months' incarceration.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Amended Sentence Modification Report (Dkt 94) and the responses (Dkts 93, 95), the Court has determined that the defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 77) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 168 months imprisonment.

DATED: February 11, 2016

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge